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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT **Aug 16, 2021**
EASTERN DISTRICT OF WASHINGTON

SEAN F. MCVOY, CLERK

HILDA H.,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 1:20-CV-3121-JTR

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 23. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Benjamin J. Groebner represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 23**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

On remand, the Administrative Law Judge (ALJ) shall do the following:

1) further develop the record, hold a *de novo* hearing, and issue a new decision;

2) reconsider the medical evidence, including the opinions of Patrick Metoyer, Ph.D., and J. Cho., M.D.; and (3) reconsider Plaintiff's impairments at steps two and three, Plaintiff's residual functional capacity, Plaintiff's statements, the lay witness evidence, and, if necessary, Plaintiff's ability to work at steps four and five.

2. Judgment shall be entered for PLAINTIFF.

3. Plaintiff's Motion for Summary Judgment, ECF No. 20, is

STRICKEN AS MOOT.

4. An application for attorney fees and costs may be filed by separate motion.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED August 16, 2021.



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JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE